

MINUTES
CITY OF GUNNISON
BOARD OF ZONING ADJUSTMENTS AND APPEALS
FEBRUARY 19, 2004

<u>MEMBERS</u>	<u>PRESENT/ABSENT</u>
JUDY KLINKER – CHAIRPERSON	X
CARL PICKETT – VICE CHAIRPERSON	X
MARIAN HICKS	X
WES BAILEY	X
MARLA LARSON	X

OTHERS PRESENT: PLANNING DIRECTOR HANNON, PLANNING TECHNICIAN STAWOWY, CITY ATTORNEY ROD LANDWEHR, LORI CLEMENT, JOHN McCLOW

- I. CALL TO ORDER BY CHAIRPERSON - 7:05 P.M.
- II. CONSIDERATION OF MINUTES
 - A. SEPTEMBER 17, 2003
Commissioner Hicks moved to accept the minutes.
Commissioner Larson seconded.

Roll call vote yes: Hicks, Bailey, Klinker, Pickett, and Larson.
Roll call vote no: None. Motion carried.
- III. CHARLES PUSEY, VA 03-4
 - A. OPEN PUBLIC HEARING
Hearing was opened at 7:10 P.M.
 - B. PROOF OF PUBLICATION – Provided by Gunnison County Times.
 - C. REVIEW OF APPLICATION
Hannon reviewed the variance application VA 03-4, a request for a variance from the minimum landscaping required. The applicants are Charles and Josephine Pusey. She then reviewed the variance process.
 - D. APPLICANT’S PRESENTATION
Chuck introduced himself, and thanked the Board for hearing his application. He displayed a map showing another type of building with the minimum landscaped area. He showed the board his site plan which contained 153 storage units and an office/apartment for the manager. He stated that his hardship was the fire code itself, in that it requires a 20 foot separation between buildings and that it puts him over the 30%. He stated that the balance of maximums and minimums was not right, if he maxed out the lot coverage at 60% then he can’t implement the 10% landscaped area, if the max was 50% then he would plant 20%. He would prefer a gravel weed free environment for the neighborhood. He then submitted exhibit C, a petition from neighbors in favor of his application with original signatures.

He would like 42% devoted to access and driveways and 58% to land coverage by buildings. He would like the landscaping to be hardscape with gravel. Chair Klinker asked why he couldn't landscape the 30 ft. on S. 10th St. Chuck stated that it was City of Gunnison property. Chuck offered to gravel the right of way as well. Commissioner Pickett asked if the right of way was going to be used for access and parking. Staff stated that he could use the area for parking. Chair Klinker asked if the customers could pull off the street and pull into their storage areas. City attorney, Landwehr, stated yes, it was allowed.

Chair Klinker thanked Mr. Pusey.

E. PUBLIC INPUT

None.

F STAFF REPORT

Hannon reviewed the Staff report dated February 13, 2004. She stated that if the Board approved the variance application, the approval of the variance did not represent an approval of the site plan. She stated that the applicant can meet the minimum landscaping requirement and that there do not appear to be any hardships. Chair Klinker thanked Hannon.

G. BOARD DISCUSSION

Commissioner Larson stated that it was not the Board's roll to change the codes. She stated that she is disinclined to approve the variance. The land is vacant, and Mr. Pusey can do the landscaping. The Board cannot change the code.

Commissioner Bailey stated that since this is new construction, Mr. Pusey can follow and meet the dimensional standards. If Mr. Pusey is interested in amending the code, he may do so with a text amendment or participate in changing the code.

Commissioner Hicks asked Chuck why he does not want landscaping. Chuck stated that he represented the Industrial owners and that they felt that landscaping in the Industrial zone is not appropriate. Commissioner Hicks asked Chuck if he understood that he was not in the right place to make this change. Attorney Landwehr stated that he needed to address this with the Planning Commission.

Commissioner Larson explained that he needed to approach the Planning Commission in order to change the code. Mr. Pusey stated that he has a very unusual situation because he has a proposed 153 units that will need to be accessed. Chair Klinker stated that the Board cannot give Mr. Pusey what he wants. Attorney Landwehr stated the definition of special circumstances for existing structures and there are no special circumstances in the proposed building. Chair Klinker thanked Mr. Pusey.

H. CLOSE PUBLIC HEARING AT 8:47 P.M.

I. BOARD ACTION

Commissioner Hicks moved, after hearing the testimony, to accept the recommendation from Staff and deny the application due to the following:

1. No special circumstance exists.
2. The applicant's plans create the need for a variance.
3. The Land Development Code will not deprive the applicants of reasonable use of the property.
4. A variance is not necessary to provide reasonable use.
5. This is not a slight variance, but a full waiver of landscaping obligations on this site.
6. Denial of this variance will not be injurious to the neighborhood.
7. The variance is not consistent with the Land Development Code.

Commissioner Larson seconded.

Roll call vote yes: Hicks, Bailey, Klinker, Pickett, and Larson.

Roll call vote no: None. Motion carried.

IV. ADJOURN AT 7:49 P.M.